

THE HONORABLE MARY JO HESTON
CHAPTER 13
HEARING DATE: June 25, 2019
HEARING TIME: 1:00 p.m.
LOCATION: Tacoma, Washington
RESPONSE DUE: June 18, 2019

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In Re:

AMY MELISSA BOYD,

Debtor.

Case. No: 19-41010-MJH

TRUSTEE'S OBJECTION TO EXEMPTIONS AND NOTICE OF HEARING

NOTICE

YOU ARE HEREBY NOTIFIED that a hearing on Trustee's Objection to Exemptions will be heard before the Honorable Mary Jo Heston at **1:00 p.m. on June 25, 2019** at the Union Station, 1717 Pacific Avenue, Tacoma, Wa., 98402, Courtroom H.

IF YOU OPPOSE this objection, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN THE RESPONSE DATE, which is **June 18, 2019**. You should also appear at the time of hearing. If you fail to do so, the Court may enter an order granting the motion without any hearing and without further notice.

11

11

OBJECTION

COMES NOW, Michael G. Malaier, Chapter 13 Trustee, and hereby objects to Debtor's claimed exemptions pursuant to Fed. R. Bankr. P. 4003(b). Trustee makes this objection without limitation to those exemptions set forth on Schedule C of the bankruptcy schedules filed in this case. Trustee objects to specific exemptions as outlined in the table below as follows:

Description of property	Statute(s) Cited	Exemption Claimed	Petition Value	Trustee's Estimated Value
19623 139 TH St. E. Bonney Lake, WA	RCW §§ 6.13.010; 6.13.020; 6.13.030	\$125,000.000	\$487,249.00	Unknown

The property commonly known as 19623 139th St. E., Bonney Lake, Washington, does not qualify as debtor's homestead. The claimed exemption applies only to "real or personal property that the owner uses as a residence. In the case of a dwelling house or mobile home, the homestead consists of the dwelling house or the mobile home in which the owner *resides or intends to reside*" RCW § 6.13.010 (emphasis added). In the present case, the debtors reside at 11113 185th Ave. E., Bonney Lake, Washington. ECF # 1, pg. 2. Based on debtor's original plan, the intent was to surrender the property, not retain it as a residence. ECF # 2. Further, based on debtors amended plan (ECF #18), debtor's estranged husband is living in the property and making the payments on the loan. As such, the debtor is neither living in the home, nor does she intend to live in the home. Therefore, her claimed homestead exemption should be disallowed.

DATED this 28th Day of May 2019.

/s/ Matthew J.P. Johnson

Matthew J.P. Johnson, WSBA# 40476, for
Michael G. Malaier, Chapter 13 Trustee

1

2

CERTIFICATE OF MAILING

3

4

I certify under penalty of perjury under the laws of the United States that I caused to be mailed
via regular mail a true and correct copy of Trustee's Objection to Exemptions and proposed Order to the
following:

5

Amy Melissa Boyd
11113 – 185th Ave. E.
Bonney Lake, WA 98391

6

7

The following parties received Trustee's Objection to Exemptions and proposed Order via ECF:

8

Ellen Ann Brown
Lesley Lueke
U.S. Trustee

9

10

Executed at Tacoma, Washington this 28th day of May, 2019.

11

12

/s/ Tracy Maher
Tracy Maher
Motion Coordinator for
Chapter 13 Trustee

13

14

15

16

17

18

19

20

21

22

23

24

25